

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
TRENTON DIVISION

**LIONELL G. MILLER,**

**Plaintiff,**

**versus**

**GARY M. LANIGAN,** *Commissioner  
of the New Jersey Department of  
Corrections, et al.,*

**Defendants.**

) Docket No. 3:12-cv-04470-AET-LHG  
)  
) Courtroom No. 7E  
) Clarkson S. Fisher Building  
) & U.S. Courthouse  
) 402 East State Street  
) Trenton, New Jersey 08608  
)  
)  
) March 4, 2020  
) 1:16 p.m.

TRANSCRIPT OF TERMS OF SETTLEMENT  
BEFORE HONORABLE LOIS H. GOODMAN  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Plaintiff:

McCarter & English, LLP  
By: CYNTHIA STENCEL BETZ, ESQ.  
NATALIE S. WATSON, ESQ.  
Four Gateway Center  
100 Mulberry Street  
Newark, New Jersey 07102

For the Defendants,  
Fraley and McDounagh:

State of New Jersey  
Office of the Attorney General  
By: ADAM ROBERT GIBBONS, ESQ.  
25 Market Street  
Trenton, New Jersey 08724

ESR/Courtroom Deputy:

Ivannya Fitzgerald

**TRANSCRIPTION SERVICE:**

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**e-mail CourtTranscripts@aol.com**

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1           TRENTON, NEW JERSEY MARCH 4, 2020 1:16 P.M.

2           (Call to order of the Court)

3           THE COURT: All right. We are here in the matter of  
4 Lionell Miller versus Gary Lanigan, et al., Docket Number 12-  
5 4470.

6           Can I have the appearances, please, starting with  
7 plaintiff?

8           MS. WATSON: Sure. Good afternoon, Your Honor.  
9 Natalie Watson of McCarter & English, and we're appointed  
10 counsel for Mr. Miller, and I'm here with my colleague, Cynthia  
11 Betz.

12          THE COURT: Thank you.

13          MR. GIBBONS: Good afternoon, Your Honor. Deputy  
14 Attorney General Adam Robert Gibbons for defendants,  
15 Corrections Officers Fraley and McDounagh.

16          THE COURT: All right. So this is a matter that has  
17 been pending for a long time, it is a 2012 docket, which is not  
18 lost upon any of us. We have been here since 10:30 with a  
19 settlement conference with the expectation that if the case did  
20 not settle, we would be doing our final pretrial conference, as  
21 well, because you have submitted the final pretrial order, and  
22 this case is ready to go to trial with appointed counsel, given  
23 that Mr. Miller brought this case originally pro se.

24          After all of the herculean efforts this morning, I am  
25 pleased to have the report from counsel that the case is

1 settled. And it is my understanding that you would like to put  
2 the terms of the settlement on the record.

3 Who would like to proceed?

4 MS. WATSON: Thank you, Your Honor; I'll proceed.  
5 Natalie Watson for Mr. Miller.

6 And our client, as Your Honor's aware, was fairly  
7 firm about his final demand. And we are pleased to report that  
8 defense counsel agreed to meet that at \$2,000. And so in  
9 exchange for \$2,000, our client will be providing a full  
10 release of all claims.

11 THE COURT: All right. Anything else that needs to  
12 be said here?

13 MR. GIBBONS: Only because we had talked about it, as  
14 well, that I'll be sending out a settlement packet that  
15 includes the unconditional release, and all the terms therein  
16 for us to execute to finalize the settlement, Your Honor.

17 THE COURT: Terrific. I have to commend you all on  
18 getting so much done. Obviously when we started talking, the  
19 numbers were very high, and the State was in a no-pay position,  
20 and it is strictly due to your efforts that you have been able  
21 to make this work.

22 I will note that I spoke to Mr. Miller earlier today,  
23 and he was very adamant that he would not take less than the  
24 \$2,000, and I appreciate the State stepping in and making this  
25 work.

1           So I will wait for you to submit either a letter  
2 saying that a 60-day order would be appropriate, or a stip of  
3 dismissal, all right?

4           Anything else to put on the record?

5           MS. WATSON: Just thank you, again, Your Honor, for  
6 the extensive time you took, both with us and with our client,  
7 it's greatly appreciated. And as always, to Mr. Gibbons for  
8 his courtesies.

9           THE COURT: Well, you are very welcome from my  
10 perspective.

11          MR. GIBBONS: Yes, thank you, Your Honor, and thank  
12 you to opposing counsel.

13          THE COURT: All right. Off the record.


14          MS. WATSON: Thank you, Your Honor.

15          (Whereupon, at 1:19 p.m., the hearing was adjourned.)  
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I, KAREN HARTMANN, a certified Electronic Court Transcriber, certify that the foregoing is a correct transcript from the electronic sound recording of the proceedings in the above-entitled matter.

A rectangular box containing a handwritten signature in cursive script that reads "Karen Hartmann".

Karen Hartmann, AAERT CET 475 Date: July 28, 2020  
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